GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services - PR&RD Department - Certain irregularities committed in execution of silt application works under MGNREGS in V.N. Palli Mandal of Kadapa District by Sri P. Viswanatham, MEO and Sri C. Venkatesu, former MPDO, MPP, V.N.Palli of Kadapa District - Disciplinary action initiated - Article of Charges framed against the officers under Rule 20 of the APCS (CC&A) Rules, 1991 - Inquiry Officer submitted report - Further action dropped - Orders - Issued.

PANCHAYAT RAJ & RURAL DEVELOPMENT (Vig.V) DEPARTMENT

G.O.Rt.No.275 **dated:26/03/2024**

Read the following:-

1.Letter No.RC.No.C2/3050/08, Dt: 27.08.2008 of the District Collector, Kadapa.
2. From the E-N-C, PR, Lr.No.Vig(4)/30599/08, Dt: 01.12.2008.
3. G.O.Rt.No.345, PR&RD(Vig.II)Dept.,dt: 10.03.2011.
4. G.O.Rt.No.346, PR&RD(Vig.II)Dept., dt: 10.03.2011.
5. G.O.Rt.No.341, PR&RD(Vig.II)Dept., Dt: 01.03.2013.
6 G.O.Rt.No.678, PR&RD(Vig.II)Dept., dt: 09.07.2015.
7. From the CPR&RD, A.P., Lr. No. 439865/CPR&RD/A2/2008, Dt:01/02/2024.
8. Orders from the Hon'ble High Court of A.P., Amaravati in W.P.No.26012 of 2022, Dt: 07/02/2024 received on 21/02/2024.

* * *

ORDER:

In the reference 1st & 2nd read above, the District Collector, Kadapa and the ENC PR has informed that, Sri C. Venkatesu, former MPDO and Sri P. Viswanatham., MEO., MPP, V.N. Palli of Kadapa District has committed certain irregularities in execution of silt application works under MGNREGS, resulting which an amount of Rs.36.54 Lakhs was misappropriated, for which the MEO and MPDO are responsible. Disciplinary action was initiated by framing article of charges against the delinquent officers, and also filed criminal cases against the delinquent officers.

2. In the reference 3rd read above, orders are issued initiating Common Disciplinary proceedings against Sri C. Venkatesu, former MPDO, V.N. Palli and Sri P. Viswanatham, MEO, V.N. Palli of Kadapa District.

3. In the reference 4th read above, Government have appointed the S.E., PR, Kadapa as Inquiry authority. The Inquiry officer submitted his Inquiry report stating that, the charged officers are not responsible for the charges. After examination, the Government observed that, the Inquiry report of the S.E., PR, Kadapa is slipshod, subjective and misleading. Subsequently, the Government have appointed another Inquiry authority by appointing Sri D. Malyadri, CEO, Kadapa as Inquiry Officer for denovo Inquiry vide reference 5th read above. The Inquiry report furnished in-respect of only one charged officer i.e., Sri C. Venkatesu, former MPDO stating that, all the five (5) charges framed against the MPDO are held not proved. The inquiry report submitted are not convinced, treating it as partial and incomplete.

4 In the reference 6th read above, Government appointed the then CEO, Kadapa as Inquiry officer to conduct afresh Inquiry into the charges framed against Sri P.Viswanatham, MEO and Sri C. Venkatesu, former MPDO, MPP, V.N. Palli of Kadapa District, as the previous Inquiry reports were misleading and incomplete.

5. In the reference 7th read above, the Commissioner, PR&RD, A.P., has submitted the Inquiry report submitted by the Chief Executive Office, Zilla Praja Parishad, YSR District. The Inquiry authority stated that, during the enquiry, the delinquent officers has submitted their written statement of defence. The Inquiry authority concluded that, five article of charges framed against the Sri C. Venkatesu, former MPDO., held not proved and one article of charge against Sri P. Viswanatham, MEO., Kadapa held not proved.

P.T.O.

6. In the meanwhile, the Hon'ble Trial Court, the court of Junior Civil Judge cum Judicial Magistrate of First class, Kamalapuram of YSR Kadapa district has found that, the MPDO not guilty and the MPDO was acquitted from the criminal proceedings through the judgement vide CC 110 of 2010 dt: 08.06.2018.

7. The Charged Officer, Sri C. Venkatesu., MPDO., filed W.P. No. 26012 of 2022 challenging the charge Memo issued to him and not concluding the disciplinary proceedings within a stipulated time limit as contemplated by the Rule 20 and 21 of APCS (CC&A) Rules, 1991 and continuing with a prolonged disciplinary enquiry for an about more than 13 years as illegal and to set aside the same and consequently direct the respondents to consider for promotion to the post of Dy.CEO/DPO along with all consequential benefits including notional promotions on par with Juniors.

8. The Hon'ble High Court in its order dt: 07.02.2024 in W.P.No.26012 of 2022 has "considered the first enquiry report dt: 28.02.2012, the 2nd enquiry report dt: 21.09.2015 and the 3rd enquiry report dt.21.09.2021 and the order of acquittal passed by the Junior Civil Judge cum Judicial Magistrate of First class, Kamalapuram, Kadapa dt: 08.06.2018 in CC no.110 of 2010. Having considered these documents, is of the view that the Respondents have stretched the case of the petitioner too far and too long without there being any tangible outcome against the petitioner. Having regard to the facts of the case, the Respondent No.1 i.e., Government is directed to consider the 3rd enquiry report keeping in mind the earlier two enquiry reports as well and the order of acquittal dt: 08.06.2018 in CC No.110 of 2010, which has attained finality, and pass appropriate order in accordance with law within a period of three weeks from today, failing which, the Charge Memo bearing No. 12834/CPR&RD/A1/2008 dt: 06.01.2009 shall stand quashed automatically, without further reference."

9. After care full examination of the issue and keeping in view of the Hon'ble High Court orders dt: 07.02.2024 in WP No. 26012 of 2022, Government have decided to drop further action on the charges framed against Sri C. Venkatesu, former MPDO and Sri P. Viswanatham, MEO., MPP, V.N. Palli of Kadapa District.

10. Accordingly, Government hereby drop further action against Sri C. Venkatesu, former MPDO and Sri P. Viswanatham, MEO of MPP, V.N. Palli of Kadapa District.

11. The Commissioner, PR&RD., A.P., Vijayawada shall take further necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

SHASHI BHUSHAN KUMAR
PRINCIPAL SECRETARY TO GOVERNMENT

To
The individuals through the Commissioner, PR&RD, A.P., Tadepalli, Guntur District.
The Commissioner, PR&RD, A.P., Tadepalli, Guntur District.
The District Collector, Kadapa.
The Chief Executive Officer, Kadapa.
Copy to:
The Secretary, APVC, Velagapudi, Amaravati, for information.
The P.S. to Minister (PR&RD), for information.
The GP for High Court of AP.
Sf/Sc(2361863)

//FORWARDED BY ORDER//

SECTION OFFICER